

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 06-2777

John Dasta,

Appellant,

v.

Bobby Shearin; Gary Richards; Kathy
Jones; Harley G. Lappin; Isam Elayan;
Dr. Moubarek; Dr. Leonardo F. Giron;
Lori Sines; Mr. Poisinaire; W. I.
Leblanc, Jr.; Bernie Richards; Jorge
Castenada; John Ashcroft; Todd
Genzer; Julie Hayes; Thomas B.
Heffelfinger; Dr. R. Ilvedson;
Howard Nelson; Alicia R.
Souvignier; Unknown U.S.
Marshals, In their official and
individual capacities,

Appellees.

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* Appeal from the United States
* District Court for the
* District of Minnesota.
* [UNPUBLISHED]
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Submitted: July 12, 2007
Filed: July 27, 2007

Before BYE, RILEY, and MELLOY, Circuit Judges.

PER CURIAM.

In this interlocutory appeal following remand, federal inmate John Dasta appeals the district court's¹ denial without prejudice of his motion for appointment of counsel. We review such a ruling for abuse of discretion. See Phillips v. Jasper County Jail, 437 F.3d 791, 794 (8th Cir. 2006) (there is no statutory or constitutional right to counsel in civil cases). We find no abuse of discretion here: Dasta's assertions as to why he required counsel were conclusory, and the magistrate judge's report and district court's order reflect consideration of appropriate factors. See Nelson v. Shuffman, 476 F.3d 635, 636 (8th Cir. 2007) (per curiam) (noting need for district court record to reveal whether district court exercised well-informed and reasoned discretion); Phillips, 437 F.3d at 794 (discussing factors). We note that by the time the district court adopted the magistrate judge's report, defendants had moved for summary judgment, raising somewhat complex legal issues (e.g., qualified immunity); and that the filings the district court referenced as reflecting Dasta's ability to represent himself were prepared by an inmate who was then helping Dasta but who is no longer doing so, at least according to Dasta's reply brief. Nonetheless, Dasta's statements that preceded the district court's ruling made unclear whether he still sought appointed counsel. Moreover, the denial of counsel is without prejudice to Dasta's right to renew his request as the case progresses. See Nelson, 476 F.3d at 636. As to Dasta's assertions of judicial bias, they are based solely on rulings adverse to him. Cf. Lefkowitz v. Citi-Equity Group, Inc., 146 F.3d 609, 611-12 (8th Cir. 1998) (recusal motion cannot rest solely on adverse rulings).

Accordingly, we affirm. See 8th Cir. R. 47B. We deny Dasta's pending motion for injunctive relief, and to the extent he properly moved for appointed counsel on appeal by including such a request in his initial and amended notices of appeal, we deny that motion as well.

¹The Honorable Michael J. Davis, United States District Judge for the District of Minnesota, adopting the report and recommendations of the Honorable Raymond L. Erickson, United States Magistrate Judge for the District of Minnesota.